

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-547-E - ORDER NO. 98-950
DECEMBER 3, 1998

| | | | |
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| IN RE: Broad River Electric Cooperative, Inc., |) | ORDER GRANTING | VWR |
| |) | HEARING AND | |
| Petitioner, |) | SETTING PREFILE | |
| |) | DATES | |
| vs. |) | | |
| |) | | |
| Board of Public Works, City of Gaffney, |) | | |
| |) | | |
| Respondent. |) | | |
| |) | | |

This matter comes before the Public Service Commission of South Carolina (the Commission) on receipt of an Emergency Petition for Rule to Show Cause and Petition for Immediate Cease and Desist Order filed by the Broad River Electric Cooperative, Inc. (Broad River or the Coop.) against the Board of Public Works, City of Gaffney (Gaffney or the Board). The Board has filed a Return. Broad River notes that its pleadings may also be considered by this Commission to be a Complaint.

The controversy is over certain premises located on Nancy Creek Road in Cherokee County, South Carolina. Broad River states that it has furnished electric service to the area where the premises are located since approximately 1944, and that the specific premises in question has received electric service from the Coop. since December 14, 1978. The business located on the premises was formerly called "Farmer Dom,"

however, the premises has recently been sold to a company that intends to construct a Hampton Inn motel on the same premises. Construction has apparently already begun.

Broad River takes the position that it has the right to continue to serve the premises, even though a new building and business is being built. The Board takes the position through its Return and accompanying affidavit, that since a new business, including a new building, is being constructed on the land, that the Board has the right to furnish electric service to the new business.

We believe that a hearing should be held in order for us to consider these matters, and determine who may rightfully serve these premises. We hold that Broad River's Petition shall hereby be construed as a Complaint, a concept agreed to by the Coop. in its original Petition. Broad River shall therefore have the burden of proof in the hearing.

We deny the Petition for Immediate Cease and Desist, pending the outcome of the hearing, at which time, we may reconsider our position. Construction is apparently at an early stage, and we see no need to issue a Cease and Desist Order at the present time, as long as the hearing is held in a timely fashion.

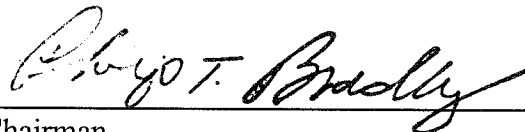
In order to expedite this matter, we shall proceed to order the pre-filing of testimony and exhibits. Pursuant to 26 S.C. Regs. 103-869(C)(Supp.1997), the Commission hereby orders that twenty-five copies of the testimony and exhibits of Broad River Electric Cooperative, Inc., the Complainant shall be prefiled on or before **December 29, 1998**, and that twenty-five copies of the testimony and exhibits of the Board of Public Works, City of Gaffney, the Respondent and/or the Commission Staff shall be pre-filed on or before **January 12, 1999**. In addition, parties shall serve their

pre-filed testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.


Please take notice that any party requesting modification of this schedule must file a request for such modification with the Commission.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)